

PROPOSAL
Maryland Register
Issue Date: December 28, 2015
Volume 42 • Issue 26 • Pages 1630—1631

Title 10
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE

Subtitle 32 BOARD OF PHYSICIANS

Notice of Proposed Action

[15-407-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulation .02 under **COMAR 10.32.09 Delegation and Assignment of Performance of Cosmetic Medical Procedures and Use of Cosmetic Devices**;

(2) Regulations .02 and .04 under **COMAR 10.32.12 Delegation of Acts by a Licensed Physician to an Assistant Not Otherwise Authorized Under the Health Occupations Article or the Education Article**.

This action was considered at a public meeting held September 30, 2015 notice of which was given by publication on the Board of Physicians website <http://www.mbp.state.md.us/forms/sep16Fullagenda.pdf> from September 16 through September 30, 2015, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Delete “microdermabrasion device” as a cosmetic medical device;
- (2) Delete “microdermabrasion” as a cosmetic medical procedure and replace it with “dermabrasion”;
- (3) Define “dermabrasion”;
- (4) Revise delegable acts to include “microdermabrasion” to the list of actions that can be delegated by a physician to an unlicensed medical assistant without on-site supervision; and
- (5) Define “microdermabrasion.”

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

10.32.09 Delegation and Assignment of Performance of Cosmetic Medical Procedures and Use of Cosmetic Medical Devices

Authority: Health Occupations Article, §§14-205, 14-306, 14-404, 14-606, and 15-302, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) Cosmetic Medical Device.

- (a) (text unchanged)
- (b) "Cosmetic medical device" includes any of the following items, when the item is used for cosmetic purposes:
 - (i)—(ii) (text unchanged)
 - (iii) Device emitting radio frequency, electric pulses, or sound waves; *and*
 - [(iv) Microdermabrasion device; and]
 - [(v)] (iv) (text unchanged)
- (5) Cosmetic Medical Procedure.
 - (a) (text unchanged)
 - (b) "Cosmetic medical procedure" includes the following:
 - (i)—(v) (text unchanged)
 - (vi) [Microdermabrasion] *Dermabrasion*;
 - (vii)—(ix) (text unchanged)
 - (6)—(7) (text unchanged)
 - (8) "*Dermabrasion*" means an abrasive process to remove epidermis and superficial dermis, resulting in a smoothing of contour irregularities.
 - [(8)] (9)—[(12)] (13) (text unchanged)

10.32.12 Delegation of Acts by a Licensed Physician to an Assistant Not Otherwise Authorized Under the Health Occupations Article or the Education Article

Authority: Health General Article, §§19-114 and 19-118; Health Occupations Article, §14-306; Annotated Code of Maryland

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(5) (text unchanged)
 - (6) "*Microdermabrasion*" means the use of a minimally invasive technique to gently exfoliate the dead, outermost layer of skin and is a method for improving superficial, environmental, aging, and hereditary skin changes by superficial, mechanically powered abrasion, often combined with application of topical crystals such as vitamin C.
 - [(6)] (7)—[(9)] (10) (text unchanged)

.04 Scope of Delegation.

- A.—C. (text unchanged)
- D. At sites not included in Health-General Article, §§19-114 and 19-3B-01(b), Annotated Code of Maryland, when providing the following specified levels of supervision, a physician may delegate to an assistant technical acts which include but are not limited to:
 - (1) Without on-site supervision:
 - (a)—(g) (text unchanged)
 - (h) Providing sample packets of medication, selected by a physician who is physically present at the time of selection, to patients as directed by the delegating physician and in conformance with Health Occupations Article, §12-102(a), (d), and (f), Annotated Code of Maryland; [and]
 - (i) Preparing and administering oral drugs; *and*
 - (j) *Microdermabrasion*;
 - (2)—(3) (text unchanged)
 - E. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene